

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Peter J. Mauro, being first duly sworn, hereby depose and state as follows:

AGENT BACKGROUND

1. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7); that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, the offenses enumerated in 18 U.S.C. § 2516. I have been trained in advanced investigative techniques and have satisfied all requirements defined by the Federal Criminal Investigator Classification series established by the U.S. Office of Personnel Management.

2. I have been employed by the Federal Bureau of Investigation (hereinafter "FBI") as a Special Agent since August of 2009 and have been assigned to the Cleveland Division, since December 2009. I have been assigned to and participated in investigations in the area of general criminal matters, as well as the Joint Terrorism Task Force, which investigates threats of violence. I have participated in all of the usual methods of investigation including, but not limited to, financial analysis, physical surveillance, cooperating witnesses, confidential human sources, telephone toll record analysis, interception of wire and cellular telephone communications, consensual monitoring, and the execution of search and arrest warrants.

3. Over the course of my employment as a FBI Special Agent I have conducted and participated in multiple criminal investigations that have resulted in arrests for violent criminal offenses. These crimes resulted in subsequent convictions in Federal Courts.

4. This affidavit is being submitted for the limited purpose of establishing probable cause to believe that **MUSTAFAH OMAR HAWKINS**, age 27, currently residing at 23660

Miles Road, Apt 209 Bedford Heights, Ohio 44128 in the Northern District of Ohio, has committed a violation of Title 18, United States Code, Section 875(c) Interstate Threatening Communications. HAWKINS' criminal history consists of an arrest for felony domestic violence in September, 2018.

5. The statements contained in this affidavit are based in part on: information provided by FBI Special Agents, Task Force Officers and FBI Analysts, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, information gathered from the results of physical surveillance conducted by law enforcement agents, reporting by eye witnesses, independent investigation and analysis by FBI agents/analysts and computer forensic professionals, and my experience, training and background as a Special Agent of the FBI. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish the necessary foundation for the requested complaint.

6. This court has jurisdiction to issue the proposed warrant because it is a "court of competent jurisdiction" as defined in 18 U.S.C. § 2711. Specifically, the Court is a district court of the United States that has jurisdiction over the offense being investigated.

BASIS FOR PROBABLE CAUSE

7. Facebook¹ is a website and mobile application featuring user-submitted media in the form of text, images, and videos. Facebook is known as a place for users to communicate with other users and discuss matters of interest. Facebook owns and operates a free-access social

¹ Facebook is a social networking site that makes it easy for a user to connect and share with family and friends online. Facebook was created in 2004.

networking website of the same name that can be accessed at <http://www.facebook.com>.

Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public. Facebook stores and transmits its information in data centers. When users interact on Facebook, they do so with these data centers. There are no known Facebook data centers located in the state of Ohio, resulting in traffic from Facebook traveling interstate.

8. On or about June 4, 2020, I received Facebook screen shots from a detective with the Cleveland Police Departments. The screen shots depicted a Facebook user, 'MAJIC JORDAN' posting about recent civil unrest in Cleveland and throughout the United States. I viewed the profile of MAJIC JORDAN and determined the Facebook ID to be 100012964174215. I reviewed the photographs of the profile. One of the 'selfie' photographs posted by MAJIC JORDAN on or about March 6, 2020 contained on the profile was of a black male wearing a name tag that read, 'MUSTAF[unintelligible] HAWKINS'. A review of the Ohio Law Enforcement Gateway [OHLEG] revealed a match to a MUSTAFAH OMAR HAWKINS, date of birth February XX, 1993. The OHLEG photograph matched the selfie photograph from Facebook. Additional selfie style photographs from the MAJIC JORDAN profile matched OHLEG photos of HAWKINS.

9. On or about June 4, 2020 an emergency disclosure request was issued to Facebook. Facebook responded on the same day and indicated that the MAJIC JORDAN account was registered on July 22, 2016 using IP 207.58.237.220. According to open source research, that IP address resolves to Cleveland, Ohio. Facebook also provided IP login information for the MAJIC JORDAN account for June 3, 2020 and June 4, 2020. The most

commonly used IP address during that time was 2605:a000:1207:15f2:5d6b:76b6:75b7:4202, which was used approximately 34 times for this profile over those two days. That IP address resolves to Cleveland Heights, Ohio located in the Northern District of Ohio. An emergency disclosure was served to CHARTER COMMUNICATIONS for IP address 2605:a000:1207:15f2:5d6b:76b6:75b7:4202. According to CHARTER COMMUNICATIONS, IP address 2605:a000:1207:15f2:5d6b:76b6:75b7:4202 at 17:50.12 UTC resolves to a business named Unique Incorporated, XXXXX Miles Road, Apt 209, Cleveland, OH 44128 and provided phone number XXX-XXX-5616 on the registered internet account. CHARTER COMMUNICATIONS also indicated that the IP address was a fixed location, and not a cellular connection and that it was a static IP address. A review of the records provided by Facebook indicated that the IP address in question was accessed by HAWKINS throughout the day and night.

10. CHARTER COMMUNICATIONS also provided current subscriber information for 216-342-5616. CHARTER stated that 5616 was a landline also subscribed to by Unique Incorporated, XXXXX Miles Road, Apt 209 Cleveland OH 44128.

11. On or about June 4, 2020 I reviewed the posts made by the MAJIC JORDAN account which revealed the following posts of interest in chronological order:

12. On or about May 31, 2020 HAWKINS wrote, "We finna start smokin y'all n****s when we see y'all killing n****s and y'all supposed to be the police. Mark my words the change is here"

13. On or about June 1, 2020 HAWKINS wrote, "These the n****s y'all told me not to shoot for strong arming my fellow brothers?" The caption was made above a video of law enforcement performing duties.

14. On or about June 1, 2020 HAWKINS wrote, "Bitch n***a what curfew I work PASSED 8. Y'all wanna get shot I see"

15. On or about June 2, 2020 HAWKINS wrote, "I can assemble a flash mob easy Sunday. Idgaf who reading this We gone fly passed with them Tov's in the backseat and fling em!" I know 'Idgaf' to mean, I don't give a f**k, and 'Tov' to be slang for Molotov Cocktails².

16. On or about June 2, 2020 HAWKINS wrote, "I been said burn little Italy to the ducking ground we was literally 40 niggas deep in our way until them n****s shot that tear gas and we had to stand with our n****s. Very next riot I promise to bring to y'all Italian n****s on that strip on mommy". The post was made above a photograph of a business located in Cleveland's Little Italy section.

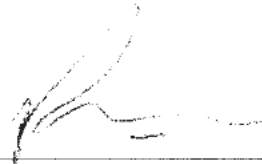
17. In response to another user writing, "My verbal consent: if the police ever kill me I don't want no f*****g peace rallies, I don't want silent protests or black squares on the internet. I want you to burn this m*****r down." HAWKINS wrote on June 2, 2020, "Exactly what he said. Torch it. Even Nipsey said y'all better ride for him !"

CONCLUSION

18. Based on the foregoing, there is probable cause to believe that HAWKINS has committed a violation of Title 18, United States Code, Section 875(C), Interstate Threatening Communications by communicating a true threat to injure a person, namely police officers and citizens present in Little Italy in Cleveland, Ohio.

² A Molotov Cocktail is a crude incendiary device typically consisting of a bottle filled with flammable liquid and with a means of ignition.

19. Accordingly, I respectfully request the court issue a warrant for the arrest of
MUSTAFAH OMAR HAWKINS.



SA Peter J. Mauro
Federal Bureau of Investigation

Sworn to via telephone after
submission by reliable electronic
means. Crim.Rules. 4.1; 41(d)(3)



Thomas M. Parker
United States Magistrate Judge
12:27 PM, Jun 5, 2020